

In The United States District Court For the
Southern District OF Illinois

UNITED STATES OF AMERICA

Plaintiff

CASE No 98-CR-30022-NJR-3

V.

DEANDRE LEWIS

Defendant.

Second Supplement to Defendant's Motion For
Compassionate Release

Mr. Lewis Files this supplement to alert the court that several circuit courts have recently affirmed this court's broad discretion to find "extraordinary and compelling" reasons under 18 U.S.C. § 3582 (c)(1)(A) regardless of U.S.S.G. 1B1.13. The Second Circuit in *United States v. Booker* agreed with the majority of lower courts that despite Application Note 1(D) of U.S.S.G. 1B1.13 the First Step Act freed district courts to exercise their discretion in determining what are "extraordinary circumstances." 970 F.3d 228, 234 (2d Cir. 2020). The Second Circuit then went further finding it "manifest" that "sections 1B1.13's language is clearly outdated and cannot be fully applicable." Id. at 235. As a result, the First Step Act freed district courts to consider the full slate of extraordinary and compelling reasons that an imprisoned person might bring before them in motions for compassionate release. Neither Application Note 1(D) nor anything else in the now outdated version of Guideline 1B1.13, limits the district courts' discretion." Id. at 237.

The Sixth Circuit recently followed suit in *United States v. Jones*, holding that U.S.S.G. 1B1.13 is not an "applicable" policy

STATEMENT WHEN AN IMPRISONED PERSON FILES A
MOTION FOR COMPASSIONATE RELEASE. F.3d 2020
181 10812988, at 6 (6th Cir. Nov. 20, 2020).

STRESSING THE NEED FOR COURT DISCRETION AFTER
THE FIRST STEP ACT, THE SIXTH CIRCUIT FOUND THE
BOP DENIED OR IGNORED MORE THAN 98% OF
COMPASSIONATE RELEASE REQUESTS IN THE FIRST THREE
MONTHS OF THE PANDEMIC. Id. at *5. CONSISTENT
WITH CONGRESSIONAL INTENT AND UNHINDERED BY THE
BOP PROCEDURAL BARS, INCARCERATED PERSONS
FILING AND FEDERAL COURTS GRANTING 3582 (C)(2)(A)
MOTIONS HAVE SURGED THIS YEAR. 10,940 FEDERAL
PRISONERS APPLIED FOR COMPASSIONATE RELEASE BETWEEN
MARCH AND MAY 2020. AND FEDERAL COURTS HAVE
COMPASSIONATELY RELEASED AN ESTIMATED 1,700 PERSONS
IN 2020 SO FAR. Id. SEE ALSO UNITED STATES V.
GUNN, F.3d 2020 112 10813595, at *1 (7th Cir.
Nov. 20, 2020). FINDING THE SENTENCING COMMISSION
HAS NOT YET ISSUED A POLICY STATEMENT APPLICABLE TO
GUNN'S COMPASSIONATE RELEASE REQUEST.

THIS COURT THEREFORE IS NOT HINDERED
BY SECTIONS 181.18c REQUIREMENTS TO GRANT MR.
LEWIS COMPASSIONATE RELEASE.

Dated: December 10, 2020
Respectfully submitted
Dorinda Lewis
14956-044

DeAndre Lewis 24956-044
FEDERAL CORRECTION INSTITUTION
P.O. Box 33
TERRE HAUTE IN 47808

INDIANAPOLIS IN 460

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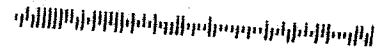


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HONORABLE Chief Judge
DANCY J. ROSENSTENGEL
750 MISSOURI AVE
EAST ST. LOUIS, IL 62201

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